



16. ENFORCEMENT

Many aspects of natural resources management require effective enforcement if they are to be successful. Such features as harvest controls, protection of sensitive areas, pollution prevention, hunting and fishing recreation, nongame protection, and others are dependent upon effective law enforcement.

16-1 Objectives

Military Readiness

- ▶ Maintain quality training lands through damage minimization.

Stewardship

- ▶ Provide professional enforcement of natural resources related laws.

- ▶ Enforce laws and regulations pertaining to implementation of the natural resources program at Fort Greely.

Quality of Life

- ▶ Provide high quality opportunities for hunting and fishing.

Compliance

- ▶ Protect sensitive species and wetlands.
- ▶ Ensure Fort Greely's natural resources program is consistent with the protection of cultural and historic resources.

Integration

- ▶ Use enforcement personnel to enhance the overall natural resources program.

16-2 Enforcement Program

The Commander, Arctic Law Enforcement Command Provost Marshal, is the USARAK game warden. The Commander is responsible for coordination and supervision of fish and wildlife law enforcement on all Army lands in Alaska. The Provost Marshal at Fort Wainwright appoints Military Police personnel to serve as game wardens. This system of fish and wildlife enforcement has been in place since establishment of the installation.

Fort Greely's fish and wildlife enforcement has concurrent jurisdiction. It can be performed by officers with federal or state commissions. Enforcement is a joint responsibility of USARAK and Alaska State Troopers. The federal magistrate adjudicates citations written by USARAK officers, unless they are military personnel who violate only post regulations. In these cases, military commanders adjudicate citations. Trooper-issued citations use the state system for adjudication.

Military Police game wardens on Fort Greely also have responsibilities directly tied to outdoor recreation; specifically the issuance of hunting, trapping, and fishing permits. These duties are included in Section 17-2b(3).

16-2a Hunting, Trapping, and Fishing Enforcement

Project Description. Enforce hunting, trapping, and fishing laws and regulations.

Project Justification. The Sikes Act requires enforcement of natural resources laws on military installations. Effective law enforcement is critical to natural resources conservation and the continuance of hunting, trapping, and fishing programs on a sustained basis.

Project Prescription. The ongoing BRAC process will significantly affect wildlife law enforcement on Fort Greely towards the end of the 1998-2002 period. As a result of BRAC, Fort Wainwright Military Police will provide enforcement for Fort Greely. The Fort Wainwright Provost Marshal will dedicate one officer and three enlisted personnel to Fort Greely for military support and game wardens (HQ,

USARPAC, 1996). After the BRAC process is completed, there will be fewer personnel available to support game warden functions, which will result in elimination of moose check stations.

The Provost Marshal supervises wildlife enforcement officers. They also coordinate and receive technical direction from the Chief of Natural Resources in accordance with Army Regulation 200-3. A Wildlife/Natural Resources Enforcement Action Plan will be jointly developed by USARAK Natural Resources and the Fort Greely Provost Marshal to ensure a solid working relationship is forged between the two offices. This action plan will outline responsibilities, communication, duties, regulations, and provisions for carrying out natural resources wildlife enforcement. Protocols will be developed to address communications, meetings, after-action reports, chain-of-command, etc.

16-2b Trespass Enforcement

Project Description. Minimize trespass to Fort Greely.

Project Justification. The most common infraction is illegal entry of the installation, which is often the precursor to other illegal range activities. Most illegal activities either directly or indirectly affect natural resources. Since trespass is often the first step to most illegal range activity, reducing illegal trespass could also reduce illegal range activity.

Project Prescription. Crossing the installation boundary or the internal boundary of an off-limits area without approval constitutes trespass. Lack of boundary markers contributes to this problem. Little of the installation boundary is fenced or marked with signs. Trespass is often premeditated. Marking the boundary would reduce accidental trespass, but the effect on premeditated trespass would be minimal. Boundary marking can only be as effective in concert with enforcement efforts associated with premeditated trespass.

Trespassing is a problem on Fort Greely, with most incidents occurring far west of the Delta River. Most are related to commercial and private fly-ins, and snowmobile traffic for hunting. Failure to enforce hunting, fishing, and trapping check-in requirements makes trespassing difficult to control on Fort Greely.

It also adds safety risk if people become lost or have emergencies.¹³

16-2c Trespass Structures

Structures built on Fort Greely without approval from the federal government are considered illegal trespass. Generally, structures are built for use as base camps for hunting and trapping.

Project Description. Eliminate trespass structures from Fort Greely.

Project Justification. Problems with trespass structures on Fort Greely were identified as early as 1982. The Post Judge Advocate¹⁴ concluded that, “... *the present individuals have no right to construct the cabins. Moreover, paragraph 2-11, AR 405-80 clearly sets out the procedures to be followed in the event of an unauthorized use. The command should take immediate action to discontinue use of the land and obtain compensation for its use to date. If the individuals can be located the command should request them to vacate the land. If efforts are not successful the matter should be referred to the division district engineer for further action.*” A following report¹⁵ specified concerns regarding unauthorized cabins. These are listed below.

- ▶ Trespass structures cause interference with military training missions.
- ▶ Trespass structures are “incompatible” land uses.
- ▶ In the past, post commanders have allowed trespass structures to remain on Army lands.
- ▶ Persons building trespass structures deny the public authorized uses of those parcels of land.
- ▶ The Army has uncertain responsibilities to protect trespass structures from wildfires, even if it is a “let-burn” fire.

- ▶ The Army’s liability in the event a person is hurt in a trespass structure is uncertain.
- ▶ Once a precedent is set, allowing structures to be built on Army lands, it is difficult to change.

Project Prescription. In 1987 it was stated¹⁶ that trespass structures could be important to trapper “survival”, and it was noted that it was not in the Army’s best interest to “anger” these trappers. This action resulted in an Encroachment Notice being posted on trespass structures with the following statements:

- ▶ These structures are negative to the military mission and protection of natural resources, and future action may be taken to reduce or eliminate this conflict by destroying or moving encroachment structures.
- ▶ Unauthorized improvements on Army-controlled lands become the property of the Army, but such improvements may be removed by the builder within six months, with prior approval of the Garrison Commander.
- ▶ Until the Army decides to take action against these improvements, they may remain at the builder’s and user’s risk if permission is obtained to enter Fort Greely. Cabins remain open to the public for temporary recreational purposes on a first-come, first-served basis; the Army assumes no responsibility for loss or damage of these structures or their contents, and no adverse possession rights accrue against the government because of the continued existence of the improvements.

The Fort Greely Resource Management Plan (BLM and U.S. Army, 1994) proposes that only the federal government and private developers authorized by the government may erect or maintain structures on Fort Greely. All unauthorized use of the land or

¹³ Memorandum for Commander, Arctic Law Enforcement Command, Fort Richardson. 25 April 1996. Subject: Encroachment Assessment at Fort Greely. Military Police Detachment, Fort Greely.

¹⁴ Memorandum For Record: 5 Oct 82, *Construction of Privately Owned Cabins on Fort Wainwright*, by MAJ Sam W. Shelton III, Post Judge Advocate Fort Wainwright.

¹⁵ *Unauthorized Cabins on Army Lands*, undated, by Patricia Powell and Junior Kerns, Fort Wainwright.

¹⁶ Disposition Form, 26 Jan 87, *Encroachment Policy Approval*, to Garrison Commander from Alexander Johnston III, Director of Engineering and Housing, Fort Wainwright.

resources will be investigated and either permitted or stopped. All unauthorized structures are subject to possession by the government following proper notice.

In 1998 USARAK took action to begin the process of removing trespass structures. Public announcements were made whereby owners had until October 1, 1998, to register structures. Registered structure owners have two years to remove them. After October 1, 1998, USARAK can remove unregistered structures and their possessions. This course of action will be pursued until all trespass structures are removed from Fort Greely.

16-2d Personnel and Training

Project Description. Provide adequate personnel and training for natural resources law enforcement programs on Fort Wainwright.

Project Justification. AR 200-3 and the Sikes Act require effective natural resources law enforcement on military installations. There are requirements that this enforcement be closely coordinated with the natural resources organization and that enforcement be accomplished by professionally trained (game warden) personnel.

A generally recognized requirement exists for a 40-hour-minimum annual refresher training for enforcement officers. Less training than this opens the employer to liability risks in the event of legally debatable officer actions.

Project Prescription. The Alaska State Troopers provide training for Military Police (MP) game wardens on Fort Wainwright. In 1995, all game war-

dens from Fort Wainwright attended a three-day, Title 16 training session in Anchorage. Wardens must qualify with assigned weapons regularly. This is accomplished on Fort Wainwright in conjunction with normal MP training.

The National Military Fish and Wildlife Association offers annual training for experienced wardens. This one-week training uses highly qualified instructors, many of whom have national reputations. The course is open to all DOD and is held on various military installations. This is the most commonly used course by military installations for refresher training. USARAK regularly sends Fort Richardson wardens to this course. During 1998-2002, USARAK will try to use this course to improve training for Fort Wainwright wardens.

One of the biggest obstacles to effective long-term natural resources enforcement on Fort Wainwright is a lack of personnel continuity, a direct result of 100% dependence on short-term-assigned Military Police to game warden positions. USARAK is investigating the possibility of hiring a full-time civilian game warden to coordinate natural resources enforcement and work with relatively inexperienced military wardens to improve overall effectiveness of the program. Options being considered include funding from environmental sources and the sharing of this position at both Fort Wainwright and Fort Greely. If environmental funding is involved, the use of a Conservation Officer position is very advantageous. Under this concept, the civilian officer would also be trained to perform certain natural resources management tasks concurrently with enforcement tasks. This has proven very successful in other states and on many military installations.